

REMARKS

In response to the Office Action dated May 11, 2011 and the Interview conducted on June 22, 2011, the Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Summary of the Amendment

In the Office Action, Claims 1-4, 17, 20, 23-26, 31, 34, 37, 41, 45-49, 51, 59-63, 65-68, 71-73, 75, 76, 79 and 86-90 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,503,187 issued to Simmons et al. (hereinafter "Simmons"). Claims 6, 20, 21, 27, 34, 35, 37-39, 41, 43, 44, 51, 52, 54, 55, 57, 58, 69, 75-77, 79, 80, 82, 84 and 85 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Simmons. Claims 22, 36 and 78 are objected to as being dependent on a rejected base claims, but are indicated as being allowable if rewritten in independent form.

Upon entry of this amendment, Applicant will have amended Claims 1, 23-27, 31, 34-36, 51-52, 54-55, 57-63, 65, 80 and 82. Claim 79 is canceled, without prejudice or disclaimer. Claims 5, 7-16, 18-19, 28-30, 32-33, 40, 42 50, 53, 56, 64, 70, 74, 81, 83 and 91 were previously canceled, without prejudice or disclaimer. New Claims 92-96 have been added. Accordingly, Claims 1-4, 6, 17, 20-27, 31, 34-39, 41, 43-49, 51-52, 54-55, 57-63, 65-69, 71-73, 75-78, 80, 82, 84-90, 92-96 are currently pending in the present application.

Rejections under 35 U.S.C. § 102

In the Office Action, Claims 1-4, 17, 20, 23-26, 31, 34, 37, 41, 45-49, 51, 59-63, 65-68, 71-73, 75, 76, 79 and 86-90 were rejected under 35 U.S.C. 102(b) as being anticipated by Simmons. The Office Action states:

"Simmons et al disclose in Figure 7 a device 134 capable of being implanted with a jaw bone and supporting a dental implant comprising a body 134 having an upper coronal end and lower apical end. The device includes a threaded external surface 142 that extends substantially to the apical end. The device further includes a first internal surface 138 concentric with the external surface

142 and a second inner surface that intersects with the first internal surface. In regard to claim 2, the upper shoulder of the upper thread of 142 is capable of acting as a "stop mark." In regard to claim 37, element 135 is deemed to meet all the reasonably ascertainable limitations of a "dental component."

Office Action dated May 11, 2011 at pages 2-3.

Applicant respectfully disagrees with the position taken in the Office Action. Simmons discloses a pipe that incorporates dual threads. Such pipes are described in Simmons for use as "fluid pressure relief vavle[s]," and "valve stems used on vehicle tires." See Simmons Col. 1, lines 30-45. There is no disclosure in Simmons that the devices are suitable for supporting a dental restoration in a jawbone as recited in the pending claims. To be suitable for implantation in a jawbone, dental implants require a level of biocompatibility that is simply not present in a fluid pressure release valve and/or a valve stem for a tire. For at least this reason, Applicant submits that the rejection of the pending claims over Simmons is in error.

Nevertheless, to advance prosecution, Applicant has amended the independent claims as outline below. Applicant reserves the right to pursue the rejected claims in the original or similar form in a continuing application.

Claim 1:

. Claim 1 now recites, in part, "wherein the dental implant is sized configured to be implanted in a patient's jawbone." As noted above, Simmons, discloses a screw-threaded connection with a connection element that has male threads that mate with corresponding female threads on a mating connection element. The connectors disclosed in Simmons are configured to mate to each other. However, Simmons does not disclose an implant that is configured to be implanted in a patient's jawbone. In other words, the implant of the present application does not mate to another connector element as in Simmons, rather the implant is configured to be implanted into a patient's jawbone. Moreover, the device of Simmons is not sized to be implanted into a petition jawbone but is instead sized for specific industrial applications that would result in a device unsuitable for use in a patient's jawbone. Accordingly, Applicant submits that Claim 1, as amended, is not anticipated by Simmons for at least the reason that Simmons does not disclose an implant that is configured to be implanted in a patient's jawbone.

Dependent Claims 2-4, 6, 17, 20-22, 37-39, 41 and 43-49 remain pending. These claims are allowable for at least the reason that they depend from allowable Claim 1 and upon their own merits as well.

Claim 23:

Claim 23 has been converted to a method claim and now recites, in part, “inserting the implant into a patient’s jawbone...” Simmons merely discloses connectors used for industrial applications that mate with other connectors, not with a patient’s jawbone. Furthermore, Simmons does not disclose a method of installing a dental implant comprising inserting the implant into a patient’s jawbone. Accordingly, Applicant submits that Claim 23, as amended, is not anticipated by Simmons for at least the reason that Simmons does not disclose inserting the implant into a patient’s jawbone.

Dependent Claims 24-27, 31, 34-36, 51-52, 54-55 and 57-63 remain pending and have been amended to method claims. These claims are allowable for at least the reason that they depend from allowable Claim 23 and upon their own merits as well.

Claim 65:

Claim 65 has been amended and now recites, in part, “a dental component *coupled to the coronal end of the implant.*” As explained above, Simmons merely discloses industrial connectors that mate with other connectors.

The Office Action states, “In regard to claim 37, element 135 is deemed to meet all the reasonably ascertainable limitations of a “dental component.” Office Action dated May 11, 2011 at pages 2-3. However, element 135 is not coupled to the coronal end of an implant, particularly an implant having a body, an external surface, a first inner surface and a second inner surface as described in Claim 65. Accordingly, Applicant submits that Claim 65, as amended, is not anticipated by Simmons for at least the reason that Simmons does not disclose a dental component coupled to the coronal end of the implant.

Dependent Claims 66-69, 71-73, 75-78, 80, 82 and 84-90 remain pending. These claims are allowable for at least the reason that they depend from allowable Claim 65 and upon their own merits as well.

New Claims

Applicant has added Claims 92-96. Support for these new claims can be found in the specification and thus no new matter has been added.

Claim 92 depends upon independent Claim 23 and recites features that were previously in Claim 23. Claim 92 is allowable for at least the reason that it depend from allowable Claim 23, and upon its own merit as well.

Claim 93-95 depend upon independent Claim 65. Claim 93 recites features that were previously in Claim 65. Support for the restoration in Claim 94 and the abutment in Claim 95 can be found in at least page 1, lines 5-16 of the specification. Claims 93-95 are allowable for at least the reason that they depend from allowable Claim 65, and upon their own merits as well.

New Claim 96 is an independent Claim similar to Claim 1 but that includes the limitation “wherein the external surface of the body has a micro topography which promotes bone formation.” Support for this limitation can be found at paragraph 0045 (with reference to the publication of the present application.)

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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CONCLUSION

Applicant respectfully submits that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, Applicant respectfully requests that the Examiner indicate that the pending claims are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully submits that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicant also has not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit indicia of the non-obviousness of the claimed management system.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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